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SUBJECT: UKRAINE CONSIDERING BIOTECH BAN

REF: KYIV 2018

11. (U) Summary. Ukrainian legislators have crafted new legislation that, if adopted, would institute a complete ban on importation and domestic production of genetically modified (GM) materials in Ukraine, overriding previous laws regulating trade in GM products. Research on public sentiment indicates a strong antipathy towards GM products among respondents, which could increase the draft ban's chances for enactment. End Summary.

 New GM Ban Being Considered

12. (U) The Ukrainian parliament (the Verkhovna Rada) convened a round table to address the issue of GM content in food products on October 23, 2009. The event, "On State Policies of the Creation of the System for GMO Use and Control" was organized by the Parliamentary Committee on Industrial and Regulatory Policies and Entrepreneurship (CIRPE), which is headed by BYuT Deputy Natalya Korolevska. Representatives of GOU authorities and industry stakeholders attended the meeting. Some of the presenters spoke in favor of biotechnology, but the majority of the floor-time went to opponents of genetic modification, including the director of the All-Ukrainian Ecological League and a representative from CIRPE. The overall mood of the roundtable participants was decidedly against biotechnology products.

13. (U) Following the roundtable, Party of Regions Deputy Yuri Miroshnichenko registered Draft Law 5286, "On the Ban of Use of GM Organisms" for consideration by The Committee of Science and Education (CSE) on October 28, 2009. The draft is long on ideology and short on specifics. However, a second Draft Law was submitted as 5286-1 "On the Proclamation of Ukraine Free of Genetically Modified Organisms (GMO)" on November 3, 2009, by Communist Party Deputy Volodymyr Darylenko. This version proposes an outright ban on all GM content, without exceptions. The language of Draft Law No. 5286-1 specifically prohibits the import, sale, consumption or registration of any product with GM content. It includes additional language that would nullify specific, previous Ukrainian laws applying to GM.

 Could Become A Campaign Issue

14. (U) The CSE has requested comments from the relevant agencies by mid-December, 2009. The Academy of Agricultural Sciences, National Academy of Sciences and Ministry of Economy are expected to oppose the measures on the grounds that they reverse a number of positive developments in trade and GMO regulation made over the past decade. Within the Executive branch, only the Ministry of Ecology is

expected to endorse the proposed ban. It is possible that the legislation might become a campaign issue, if political parties (the Party of Regions, in particular) lobby for it to bolster their claims of protecting the people of Ukraine.

Chances of Enactment High

¶5. (U) Industry representatives believe that the chances of the draft laws being enacted are relatively high at the present time, and they are working with the scientific community and sympathetic elements within the GOU to lobby against the ban. At the forefront of this effort is a letter drafted by Ukrainian scientists to Prime Minister Tymoshenko in opposition to the ban. The letter has been signed by two Vice Presidents of the Ukrainian Academy of Agrarian Sciences, the Vice President of the Ukrainian Academy of Medical Sciences, and several Directors of State Institutes.

¶6. (U) Political considerations make it difficult to forecast a timeline for the draft laws' progression through the Rada. The CSE could have the resolution prepared for submission to the Rada for consideration by the end of the year. If the drafts do not receive first readings before the New Year's break, their consideration by the full Rada would likely be scheduled in February, after the presidential elections.

Previous GM Legislation

¶7. (U) Ukraine's first "umbrella" biosafety law was enacted on June 21, 2007. It was part of the package of legislation required for Ukraine's accession to the WTO. The legislation committed that Ukraine would address biotechnology on the basis of scientific evaluation. The umbrella law, "Law of the State System of Bio-Safety in Creating, Testing, Transporting and Using Genetically-Modified Organisms," established ground rules for interactions between individuals and organizations that would be involved with genetically modified organisms but lacked regulatory specifics.

¶8. (U) The "umbrella" law has been expanded by several subsequent Cabinet of Ministers Resolutions and other decrees, including: "On Approval of the Procedure of Issuing Permits on Importation of Unregistered Genetically Modified Organisms into the Customs Territory of Ukraine for Scientific Research or State Approval (Testing) Purposes" (No. 734, August 20, 2008); "On the Provisional Criteria for Handling the Genetically Modified Organisms and Realization of Genetic Engineering Activity in Enclosed Systems" (No. 922, October 16, 2008); "On Approval of the Procedure of State Registration of Genetically Modified Organisms, as well as Food Products, Cosmetics, and Medicines that Were Obtained with Their Use" (No. 114, February 18, 2009); "On Approval of the Procedure for Labeling Food Products Containing Genetically Modified Organisms or Produced from Them and Put into Trade (No. 468, May 13, 2009); and "On Approval of the Procedure of Issuing Permits on transit of Genetically Modified Organisms that Have Not Been Registered in Ukraine" (No. 423, April 28, 2009). There have been other minor regulatory actions as well such as the Nov. 18 regulation on costs for GM testing related to field trials.

¶9. (U) On July 1, 2009, the Ministry of Agrarian Policy adopted regulation No. 458, which gave temporary permission for GMO herbicide-resistant soybeans to be registered in Ukraine for use in animal feed.

Public Opinion

¶10. (U) Public opinion surveys show that Ukrainians are decidedly negative about GM products. According to an early November telephone survey of 1000 respondents, 74.7% expressed their resolve never to purchase products containing GM materials, even if it meant paying more. 93.4% believed that labeling of GMO products should be mandatory, though only 38% of respondents knew that the GOU had

already passed a resolution on such a requirement. 89.7% of the survey respondents believe that parliament should enact legislation to ban both the import and domestic production of GM products. Ukrainian media outlets published these survey results on November 16, shortly after Draft Laws 5286 and 5286-1 were submitted to the Verkhovna Rada.

Comment

¶11. (U) The overwhelmingly negative opinions expressed in the survey mirror the mindset behind Draft Laws 5286 and 5286-1. While the scientific basis underlying the proposals in the legislation may be murky and the likelihood of a negative impact on trade and agriculture is high, parliamentary deputies will undoubtedly factor in the "will of the people" when considering their positions. It is possible that the proposed bans are a preemptive step in reaction to Ukraine's nascent biotechnology regulatory system, which only requires the adoption of a few bylaws by the parliament to allow GM products and crops to be registered. Some may be betting that it would be easier to stop progress on GM authorization now than to dismantle a regulatory structure already in place. End Comment.